

REMARKS

The Office Action dated September 14, 2004 has been received and carefully reviewed. The preceding amendments and the following remarks form a full and complete response thereto. Claims 1, 2, 6 and 7 have been amended. Claims 10-23 remain withdrawn. Claims 4 and 5 were previously cancelled. No new matter is added. Accordingly, claims 1-3 and 6-23 are pending in the application and submitted for reconsideration.

Claims 1-3 and 6-9 were rejected under 35 U.S.C. § 112, for indefiniteness. Claims 1, 2, 6 and 7 have been rewritten to more positively recite the claim elements. Applicant submits that claims 1, 2, 6, and 7 comply with the requirements of 35 U.S.C. § 112 and request that the rejection be withdrawn.

Claims 1 and 6-9 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,377,814 to Smith ("Smith"). Claims 2-3 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of U.S. Patent No. 5,238,122 to Hart ("Hart"). Applicant respectfully traverses the rejections and submits that claims 1-3 and 6-9 recite subject matter not shown or suggested by Smith or Smith in combination with Hart.

Applicant notes that the amended claims more positively and clearly recite the claimed subject matter. Applicant believes that, in view of the amended claims, previous arguments submitted will be better understood and therefore, Applicant incorporates its previous arguments herein to the extent applicable.

As previously asserted in Applicant's prior responses, unlike the presently claimed invention, Smith is direct to a recirculation-type sorting method, particularly useful in sorting garments at a dry cleaning facility. In contrast, the presently claimed invention includes a step of providing a pair of first and second storage areas for each sorting step of the sequence of successive sorting steps, each pair of first and second storage areas serves as separate source storage areas for subsequent steps (e.g., see claim 1). As a result, the claimed invention has the advantage that it may, in some instances, permit the sorting of groups of objects generally concurrently (in some embodiments), such as, e.g., because multiple storage areas are provided. For example, in some embodiments, a new group of objects could be introduced for sorting as long as an earlier group of objects has moved downward enough to enable sorting of the new group (i.e., while the sorting of the initial group may not necessarily have to be completed prior to introduction of the second group). See, e.g., Fig. 1.

Claim 1, upon which claims 2-3 depend, also recites the feature that, for each sorting step from the second sorting step on, the determining step and allocating step are performed for each object sequentially either beginning with objects in the first storage area corresponding to the previous step, and next performing the determining step and allocating step for all the objects in the second storage area corresponding to the previous step objects, or beginning with objects in the second storage area corresponding to the previous step, and next performing the determining step and allocating step for all the objects in the first storage area corresponding to the previous

step objects. Applicant submits that Smith clearly fails to show or suggest these features.

Thus, Applicant submits that Smith fails to show or describe each and every feature of claims 1 and 6-9. Accordingly, Applicant requests that the rejection be withdrawn and claims 1 and 6-9 be allowed.

With respect to claims 2-3, which depend upon claim 1, Applicant submits that Hart fails to cure the deficiencies of Smith. First, Applicant submits that there is no motivation or suggestion to combine the teachings of Hart with those of Smith, because the system are so different from one another. The Smith system is a recirculation type system have sorting rails while Hart implements its system with "pre-groups." Even if improperly combined, the features of claims 2 and 3 are not suggested by the combination of references, including that the first and second groups have the particular features recited in claim 2 and that the first and second groups are combined in the manner as recited in claim 3.

Thus, Applicant submits that the combination of Smith with Hart does not render claims 2-3 unpatentable and therefore, requests that the rejection of claims 2-3 be withdrawn and claims 2-3 be allowed.

In view of the foregoing, Applicant requests rejoinder of the withdrawn claims and allowance of the present application. If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the Applicant's undersigned attorney at the

indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event that this paper is not timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account No. 02-2135.

Respectfully submitted,

By



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